

Village of Sackets Harbor  
Planning Board Meeting Minutes  
Wednesday, April 16, 2014  
7:00 p.m. Municipal Building

Chairman Gibson called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

Present: Chairman Gibson, Members Steve Swain, Merle Tousant, Alternate Thomas Dyckes

Absent: Members Janet Quinn, Jon Vondell

Quorum established.

Also in attendance: Zoning Enforcement Officer Jim Corbin

Chairman Gibson reviewed the minutes of November 20, 2013 Planning Board meeting. Steve Swain moved to approve the minutes as written, Tom Dyckes seconded. Vote 4-0; all in favor.

Chairman Gibson reviewed the minutes of December 2, 2013 Planning Board meeting. Steve Swain moved to approve the minutes as written, Tom Dyckes seconded. Vote 4-0; all in favor.

## Old Business

**11-03 Lawler Realty LLC, Madison Barracks – Subdivision review.** Subdivide an existing lot into 16 separate lots. Application requires review under the Subdivision Control Law of the Village of Sackets Harbor. Preliminary plat approval granted June 15, 2011. Awaiting final plat approval for Lots 1 to 14 and Lot 16.

**13-17 Lawler Realty LLC, 117 & 123 Pike Road, Madison Barracks – Demolition.** Demolish two existing structures (“Mess Hall” and “Theater”) at Madison Barracks. Site is in the Historic Overlay District and requires Planning Board review under the Zoning Law of the Village of Sackets Harbor. A public hearing was adjourned and the application tabled on July 17, 2013.

- Chairman Gibson reported that both applications 11-03 and 13-17 have had no activity and will remain on the table.

## New Business

**14-01 Earleen Maxon, 101 West Main Street.** New construction. Applicant wishes to replace all the windows in her house. Site is in the Historic Overlay District and requires Planning Board review under the Zoning Law of the Village of Sackets Harbor. A public hearing has been advertised and will be held.

- Steve Swain moved to acknowledge receipt of the application, Merle Tousant seconded the motion. Vote 4-0; all in favor.
- Tom Maxon, applicant’s representative, explained that a pipe had burst in the winter in the upstairs of the house and hot water caused significant damage. The house is completely gutted

because of the damage. They have been working to get the mold removal done, appraisals and are ready to repair the inside of house. The house is structurally fine. All woodwork is gone. It needs a complete redo on the inside. They want to replace the single pane windows with double pane, that will be easy to open and close and more energy efficient. The windows shouldn't make any noticeable difference to the appearance.

- The Board asked for more specific information about the windows and the photos in the application which depicted the storm windows currently on the home.
- Daryl Clemons, contractor for the applicant, stated that the windows will all stay the same exact size. He mentioned that most of the current windows don't open now.
- Chairman Gibson asked how many total windows.
- Daryl Clemmons stated that every window will be done. About 17 windows and they will be all the same style.
- Steve Swain moved to declare the application a Type II action under section 617.5(c)(2) of the New York State Environmental Quality Review (SEQR) action for rehabilitation of a structure. Merle Tousant seconded. Vote 4-0; all in favor.
- Chairman Gibson reviewed the application with the Board.
- Merle Tousant moved to declare the application complete. The motion was seconded by Steve Swain. Vote 4-0; all in favor.
- Chairman Gibson opened the public hearing.
- Vince Battista, 362 Dodge Avenue, said he wanted to show support for the remodel of the Maxon house and saw the windows will be the same. The storm windows will stay for the Spring, Fall, and Winter months. He believes they are trying to get the house back and replacing those vinyl windows seems like a good efficient way to do it.
- Pete Daly, 106 S. Broad St., lives next door and is more than willing to support this project. He is 100 percent in favor of this remodel.
- Steve Swain made the motion to close the public hearing, Merle Tousant seconded. Vote 4-0; all in favor.
- Tom Dyckes moved to unconditionally approve the application. Merle Tousant seconded. Vote 4-0; all in favor.

***Inactive applications (shown for the record)***

**10-29 Sackets Harbor Yacht Club LLC, 404-406 West Main Street.** Reinstall docks. Site is in the Historic Overlay District and requires review under the Zoning Law of the Village of Sackets Harbor. Application tabled on September 15, 2010 at applicant's request. Request renewed September 2013.

Chairman Gibson said he spoke with John Maxon, and he asked that it remain on the table until at least the end of the summer.

## Chairman's Announcements

Chairman Gibson in reference to the status of the proposed new zoning law asked if the Mayor who was present would like to speak about it.

- Vince Battista, Mayor of Sackets Harbor, reported that the new zoning law will be more than likely approved next month.

Chairman Gibson mentioned that the Board will have a special session to review the changes in the law. It will most likely be scheduled in June or July. The Board will also need to go over new SEQR EAF forms and update application forms.

- Jim Corbin, Zoning Officer, asked to be included and present at the meetings.

Chairman Gibson reviewed training requirements for 2014. Tom Dyckes reported that he attended the recent Local Government Conference at Jefferson Community College (JCC).

Chairman Gibson reviewed the results of the SHPO CLG audit (State Historic Preservation Office, Certified Local Governments) that occurred in the fall, as well as the details of the Auditor visit and process. He summarized the audit and discussion started about the response that was prepared by the Chairman and due.

- Tom Dyckes noted that whether the audit is accurate or not, faulting the process is not productive. He believes that the Village is relying on these State programs and that the tone of the response was negative, dismissive, and not important. The response should be rewritten. He further clarified that the Board should say what they will do and will do some of the things suggested in the audit. We should use the Historical Society to help plan the training and to acknowledge the importance of it and make a commitment to do it.
- Chairman Gibson said that Janet Quinn had brought that up in an email and thought they should ask her to take the lead in looking into new training.
- Merle Tousant pointed out that the listing of our inventory is interesting. When we list historic structures in the village and at the same time should show the overlay of where the structures are and how the historic village district is outlined. How do you explain that a lot are outside of the historic district and why?
- Jim Corbin stated that it seems the Heritage Area committee findings that Dave Altieri has done in the past to inventory historic structures should be looked into. The original inventory was done in 1979, but believes some work was updated several years ago and we should check into that.
- Steve Swain believed that not just the inventory listing should be given, but also the Board should state the condition of the historic structure now.

- Jim Corbin agreed and said that part of the Heritage Area plan identified what's important and outlined what should be addressed and who may address it. He believed an update to the Heritage Area plan was done about 4-5 years ago.
- Chairman Gibson agreed that we have no authority on what is outside the Historic District.
- Steve Swain shared that if it is historic, there needs to be an explanation.
- Chairman Gibson reported that the audit said that the Board should abstract the minutes and put with each application. However, the minutes are available online. For major applications like Madison Barracks, the minutes have been abstracted and done on a special case basis, but questioned doing it routinely. The auditor had mentioned during her visit that there should be a separate Historic Review Board. Discussion followed about the fact that the Planning Board always acts as both a Planning Board and Historic Review Board.
- Tom Dyckes said that there is no harm in having the statement in the minutes that: "...we are acting as the historic review board." We are acting in both roles at this point. He was also concerned with the level of discussion on the audit response without the Board's participation and it will be approved tonight and back to the Village Board.
- Chairman Gibson stated that he wanted to remind everyone that since December, he has had no input from the Board about how they should respond.
- Tom Dyckes said we should have had an open discussion and a draft. A face-to-face discussion would have been better, back in January and February we would have had other Board members present and it is due in two days.
- Vince Battista, Mayor of Sackets Harbor, interrupted to bring focus to the discussion and to share the conversation he had by phone with Mr. Julian Adams, who is in charge at the State. Because the audit response was due in one day, he reached out to request an extension of 30 days. He told Mr. Adams that he is new and apologized for the Village of Sackets Harbor and for this Planning Board. Mayor Battista told Mr. Adams that he believed his Board let him down because they had done no work on the response other than emails. Mr. Adams said he will be coming up in June to meet with a group of people.
- Mayor Battista pointed out that there have been changes in the Village since 1979. We lost the stables at Madison Barracks. We had two buildings scheduled for demolition, which should be noted in our response. He said as of tonight, he is forming a committee with people to get together this week. And a response will come in the next 30 days.
- Jim Corbin said to the Chairman that the audit is critical and it gives us the opportunity to point out what we do right. We have been successful with grants and in saving buildings. I think we can point that out and ask what they can do to help us. Can we consult with them, the State? We always struggle with historic review. We have guidelines and it would be good to get the State's expertise in a constructive way. We have done some good things in this Village and we can do a lot more.

- Peter Daly, Village of Sackets Harbor Trustee, addressed Chairman Gibson and said that he would like to see Member Janet Quinn's comments from her email be read into the record. (Included at the end of these minutes) He said, "Chairman is not king." And told the Chairman, that he really needs to look at all his Board and get input from them and include them to make a unanimous decision. He stated that it is apparent and obvious that it is the Chairman's own show and this needs to change.
- Chairman Gibson stated that he had no objection to input and comments through email and had encouraged communication. He said he appreciated what Pete Daly said and will recall that in the future.
- Merle Tousant said that the response to the audit could be pretty concise because there were comments that we should take into consideration and implement. In looking at the prepared response now, he believed that it did seem offensive.
- Chairman Gibson said he tried to be objective and apologized if it came across as offensive, he was addressing the questions.
- Merle Tousant stated that the Board should have been responding to the Mayor and the Village Board. He believed that good ideas are coming out of this audit and things could be implemented.
- Steve Swain agreed and shared some comments that could be considered for the audit response.
- Jim Corbin gave another response that can be added, is to point out areas that are good and the State may not be aware of what we have done or what we do.

## **Public Comment**

Official public comment period opened.

- Tom Maxon, applicant's representative from the evening application, thanked the Board as he sent a Text to his Mother, Earleen Maxon that the application was approved and she is ecstatic.
- The Board discussed Paul Jessee's Fort Pike Apartments Application 13-41 from December 2013, and the progress since the application was approved. The doors on one of the three buildings are facing the wrong way and the siding boards are not painted.
- Vince Battista said that he had a conversation recently with Paul Jessee and he had said that trees will be planted in the spring and the boards will be primed and painted.
- Merle Tousant had a concern that the dock that was to be installed at the Brew Pub on W. Main Street, Application 13-09, was not put in yet.
- There was a discussion on the events of the application approval last year and the conditions for the approval of the deck at the Brew Pub. The Army Corps of Engineers and Coastal Resources final approval letters or permits were not received by the Planning Board yet.

- Chairman Gibson said the applicant would get the permit from the agencies.
- A discussion continued about enforcement, particularly when other agencies are involved. In this case, as Jim Corbin pointed out it is a water based issue. Is it the Harbor Master, Coastal Resources or him as the Zoning Enforcement Officer?
- Steve Swain said he didn't know the Board had any enforcement. We have approval power but no enforcement ability.
- Tom Dyckes asked Jim Corbin, since he is one of the three entities involved, the Zoning Enforcement Officer, the Harbor Master, and Coastal Resources, wouldn't it be advantageous for him to see who is responsible and report back to the Planning Board.
- Pete Daly suggested that the Board send a letter and say that we have not yet seen the work done and ask if they did get the approvals from Coastal Resources?
- Tom Dyckes recommended that the Chairman write correspondence to the applicant and ask for specifics on the completion.
- Steve Swain agreed and said that he believed that when there is another agency involved, the agency assumes responsibility. He thought the Board owed it to the Village to inquire.
- It was agreed that Chairman Gibson should send an inquiry letter to the Brew Pub about the approval permit from Coast Resources as well as ask for the schedule for the completing the dock.
- Chairman Gibson mentioned noticing that the two buildings at Madison Barracks, Building 2 and 3 have entry ways that are different and don't match what the Board approved.
- Jim Corbin said that if the Board observes something, alert him so that he can enforce it.

Steve Swain moved to adjourn the meeting at 8:21 pm. Merle Tousant seconded the motion. Vote 4-0; all in favor.

Next regular meeting will be Wednesday, May 21, 2014, 7:00 p.m. in the Municipal Building.

Respectfully submitted,

Daryl Giles  
Planning Board Secretary

[From an e-mail from Janet Quinn dated 2014.04.14]

Regarding the OPRHP audit, I do have a few comments pertaining to Gary's email comments to the planning board that question the value of participating CLG program.

1. Although technical assistance may be available to communities whether they are in the program or not, I do value our participation. In the past the community has had historic preservation training workshops which were helpful. I believe we should try to resurrect those efforts. We are supposed to have training on an annual basis and with Sackets Harbor's historic resources, the planning board would benefit from training programs that focus on historic preservation. I am quite certain that historic Society would share in this venture with us.

2. I think there is a positive value to updating an historic resource survey. Although "nothing may have changed" since the last one, that in itself is worth documenting. Updating a historic resources survey could be a potential benefit as we continue to pursue grant funds that support our community's resource management whether it's natural resources, recreational resources or natural resources. Some of our historic resources have deteriorated, such as at Madison barracks due to the management of the property; that in itself should also be documented. For example the demolition of the stables and issues pertaining to the potential demolition of other buildings at Madison barracks. This has significant value for future protection efforts!

3. I am quite certain that our participation in the CLG program has had value over the past years as we have pursued grant funding. Although some people may question the value of grants, our community would not be where it is without the millions of dollars of federal and state support pertaining to our trail, infrastructure, and historic preservation. This infusion of public money has over the years prompted significant private investment. For example our Main Street businesses and Madison barracks. Having done "our homework" with planning, surveys and participating in programs such CLG validates our intentions and help us with being competitive in funding programs.

4. I don't want the planning board response to OPRHP to have a negative tone. Our response needs to reflect the point of the entire board, not just Chairman Gibson, as it currently is, as Gary presented to the Village Board. The planning board deserves the opportunity to discuss this in entirety, without the pressure of being under a deadline. Unfortunately we are now at the end of the time period and must deal with this promptly.

Since I am unable to be at the meeting, I would like my comments entered in the record.

In summary, I believe in maintaining our participation in this program, I want to pursue historic preservation training programs, I think we should update the historic resources survey, and I think we must assure that our response to OPRHP maintains our participation in this program. Our response needs to reflect our community's interest in protecting, valuing and supporting the integrity of our historic resources.

Thank you.

Janet Quinn